

U.S. Patent Application Serial No. 10/624,886
Response to Non-Responsive Amendment filed November 20, 2006
Reply to OA dated September 22, 2006

REMARKS

As indicated above, this is a Response to the Notice of Non-Responsive Amendment dated September 22, 2006.

On September 7, 2006, the applicant filed an Amendment under 37 CFR 1.111 in response to an Office Action dated June 8, 2006. On September 22, 2006, the Examiner issued a Notice informing the applicants that the Amendment, filed on September 7, 2006, was not fully responsive, and therefore the claim amendments (and presumably, the amendments to the title and specification, and arguments against the cited prior art) filed on September 7, 2006 were not entered.

Claims 1 - 7 remain in this application. Previously added claims 8 - 17 have now been canceled.

Claim 1 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated September 22, 2006.

The applicant has amended the title of the invention to one that is more clearly indicative of the applicant's invention. It is requested that the title of the invention, amended herewith, be approved by the Examiner.

The applicant has amended the specification in order to correct certain informalities. The applicant respectfully requests that the amendments to the specification be entered.

As to the merits of this case, in the last Office Action dated June 8, 2006, the Examiner rejected claims 1 and 7 as being anticipated under 35 USC 102(b) based on Furukawa (U.S. Patent No. 5,684,771). The applicant respectfully requests reconsideration of this rejection.

The applicant's claimed invention, as now recited in independent claim 1, is directed to a recording medium type determining apparatus for determining a type of an optical disc in the reproducing state according to the presence of wobble where the tracking servo control is kept open. Such claimed apparatus includes a signal generating section for generating a radial push-pull signal based on a read signal from a recording medium; a processing section for processing said radial push-pull signal by means of autocorrelation; and a determining section for determining the type of said recording medium based on the data sent from said processing section by detecting the presence of the wobble.

The applicant's claimed invention, as now recited in independent claim 7, is directed to a recording medium type determining method of determining a type of a recording medium in the reproducing state according to the presence of wobble where the tracking servo control is kept open. Such claimed method includes the steps of a signal generating step of generating a radial push-pull signal based on a read signal for a recording medium; a processing step of processing said radial push-pull signal by means of autocorrelation; and a determining step of determining the type of said recording medium based on the data sent from the processing step by detecting the presence of the wobble.

Significant structural arrangements or features, as now recited in each of added independent claims 1 and 7, include the claimed determining section (CPU105) or method step for determining the type of the recording medium based on the data sent from the claimed processing section or the claimed processing step by detecting the presence of the wobble.

Furukawa, owned by the assignee (Pioneer Corporation) of the instant application, does not teach such distinguishable claimed structural arrangements or features, now set forth in claims 1 and 7.

More particularly, the claimed invention is distinguishable over the teachings of Furukawa in that Furukawa uses the focus sum signal and the push-pull signal (see, the “DISK DISCRIMINATING CIRCUIT” 34, as illustrated in Furukawa’s Figure 5), which by no means detects the presence of wobble.

Thus, since not all of the claimed elements or features, as now recited in either independent claim 1 or independent claim 7, are found in exactly the same situation and united in the same way to perform the identical function in Furukawa’s apparatus or method, there can be no anticipation of the applicant’s claimed invention, as now recited in either independent claim 1 or independent claim 7, based on the teachings of the Furukawa patent.

Furthermore, claims 2 - 6 depend on independent claim 1, and further limit the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claims 2 - 6 should now be similarly allowable.

In view of the above, the withdrawal of the anticipation rejection under 35 USC 102(b) based on Furukawa (U.S. Patent No. 5,684,771) is in order, and is therefore respectfully solicited.

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In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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